

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____ ELOUISE PEPION COBELL et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:96CV10285
	)	(Judge Lamberth)
GALE NORTON, Secretary of the Interior, et al.,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF FILING OF JANUARY 2005 STATUS REPORT BY  
THE DEPARTMENT OF THE INTERIOR OFFICE OF TRUST RECORDS**

The Department of the Interior Office of Trust Records hereby submits its status report for activity in January 2005. A copy of the report is attached hereto.

Dated: February 15, 2005

Respectfully submitted,

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Assistant Attorney General  
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/s/ Sandra P. Spooner  
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CERTIFICATE OF SERVICE

I hereby certify that, on February 15, 2005 the foregoing *Notice of Filing of January 2005 Status Report by the Department of the Interior Office of Trust Records* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)  
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/s/ Kevin P. Kingston  
Kevin P. Kingston

**ACTIVITY REPORT**  
**OFFICE OF TRUST RECORDS**  
January 1 – 31, 2005

**PROGRAMMATIC:**

- Labat-Anderson (Labat) Indexing Project

Labat reported that 4,891 boxes of inactive Indian records were completed in December. The total number of boxes completed through January 2005 is 102,111.

The Office of Trust Records (OTR) and Labat staff continued to work at the Bureau of Indian Affairs Southern Plains Regional Office and the Anadarko Agency to prepare inactive records for shipment to Lenexa. Due to unforeseen circumstances resulting in staff unavailability, the project was not completed in January as anticipated. It is now anticipated that it will be completed in February.

- Movement of Records

OTR moved 10,880 boxes of inactive records from Albuquerque storage facilities to Lenexa, Kansas for permanent storage. It is anticipated that OTR will be able to terminate leases for Albuquerque storage sites in the near future. OTR moved 220 boxes and BIA moved 60 boxes of inactive records to Lenexa for indexing and storage.

- Boxes Requiring Preservation and/or Remediation

Carino Conservation has not completed its report on the boxes assessed at the 12<sup>th</sup> Street warehouse. The progress on producing the report is hindered by the volume of data and other commitments of the contractor. It is now anticipated that the report will be completed in February.

- Individual Files Requiring Preservation

Informal discussions were held with NARA about the files currently located in Lenexa that contain documents which may be at risk due to over usage, age or other conditions. It is anticipated that NARA will work with OTR on assessing the documents and recommending preservation, if necessary. NARA and OTR staffs are accessioning and shelving boxes being sent to AIRR for permanent storage. It is anticipated that this activity will be finished by the end of February.

- Site Assessments

No site assessments were conducted this month. OTR completed the BIA Osage Agency site assessment report and sent the report to the agency. Reports

completed and mailed to the respective BIA office on February 7, 2005, include: Miami Agency and Talihina Agency. Reports completed and sent to the Office of Trust Review and Audit (for transmittal to tribes) include: Osage Nation, Eastern Shawnee Tribe of Oklahoma, Chickasaw Nation of Oklahoma, and Choctaw Nation. It is anticipated that the remaining reports (BIA Okmulgee, Chickasaw and Wewoka agencies, OST Osage office and the Creek Nation) will be sent in February.

- Records Training

OTR did not provide records training in January.

- Equipment

369 pieces of fire proof filing equipment were delivered to BIA and OST offices.

- Litigation Support

OTR continued to provide litigation support in research of records for tribal trust litigation cases including: Jicarilla Apache, Pueblo of Laguna, Blackfeet, Osage, and Warm Springs Shoshone and Arapaho of Wind River. OTR continued to provide support to the Office of Historical Trust Accounting and to BIA and OST offices.

- Records Evaluation – Accession #M0003-8001

OST completed its initial review of the 31 boxes. The 31 boxes are at OTR pursuant to a litigation hold. Once the boxes are released, OST plans to verify that any potential records are also filed at the field office by taking the boxes to the field office and comparing documents to files maintained at the field office. This review, as previously reported, is intended to determine whether the contents might be federal/trust records or whether the contents had been properly marked as non-record duplicates.

- Standing Rock Agency

All documents at the Standing Rock Agency were moved out of the Agency Administration Building due to structural issues with the building. The OTR Regional Records Liaison for the Great Plains Region assisted in preparation of the paperwork for relocation of the file cabinets and boxes to Agency Building #172 and was onsite to observe such movement of filing cabinets and boxes from the Administration building. The relocation was completed during the week of January 31. Some documents which were on employee desks and in program mailboxes may have been contaminated when remnants of asbestos were disturbed as a contractor was working on a ceiling. The documents were boxed and sealed and will be cleaned as a precautionary measure. Counsel at Interior

and Department of Justice were involved in advising on the relocation of documents.

**ADMINISTRATIVE:**

Ordinary administrative activities continued. OTR began to plan for its anticipated June 2005 move of offices to the OST Masthead building.

**GENERAL OBSERVATIONS:**

OTR records operations staff continued to struggle to meet the demands placed on them by attorneys and tribal and federal researchers for boxes and to continue to meet OTR program requirements. Requests for immediate response to litigation needs continue to interfere with OTR daily activities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/s/ Ethel J. Abeita  
Ethel J. Abeita